

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 0885997
Of the mark: WALL STREET
Registrant: Derria Ag. Corporation

TTAB

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Laurice El Badry Rahme Ltd.,
d/b/a Laurice & Co.,

Petitioner,

v.

Derria Ag. Corporation,

Respondent.
-----X

Cancellation No.:

09/01/2004 TMCANTS 00000080 0885997

01 FC:6401

300.00 OP

PETITION TO CANCEL

08-30-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Laurice El Badry Rahme, Ltd., d/b/a Laurice & Co., (hereinafter "Petitioner") through its attorneys, believing it is and will continue to be damaged by the registration of the trademark WALL STREET of Registration No. 0885997 registered to Derria Ag. Corporation, (hereinafter "Respondent") on November 18, 1947, alleges on knowledge as to Petitioner and otherwise on information and belief, as follows:

1. Petitioner is a corporation organized and existing under the laws of the state of New York, with a principal place of business at 9 Bond Street, New York, New York.
2. Respondent is a corporation of Liechtenstein, doing business at Heiligkreuz Vaduz Liechtenstein.
3. Petitioner is the owner of the trademark WALL STREET for fragrances, for personal use, namely, perfumes, colognes, after bath splashes, body sprays, shower gels, soaps, body lotions, massage oils, candles, cosmetics, including skin care products,

namely, non-medicated skin preparations, skin lotions, skin cleansers, skin cream, skin exfoliants, skin moisturizers, skin toners, makeup, lipstick, foundation powders, eyeshadow, nail polish, mascara and eye pencils.

4. Petitioner is the owner of the following pending trademark application, for which it is seeking registration on the Principal Register of the United States Patent and Trademark Office ("USPTO"):

MARK	GOODS	SERIAL NO.	FILING DATE
WALL STREET	Fragrances, for personal use, namely, perfumes, colognes, after bath splashes, body sprays, shower gels, soaps, body lotions, massage oils, candles, cosmetics, including skin care products, namely, non-medicated skin preparations, skin lotions, skin cleansers, skin cream, skin exfoliants, skin moisturizers, skin toners, makeup, lipstick, foundation powders, eyeshadow, nail polish, mascara and eye pencils.	76/562,995	December 3, 2003

A copy of the USPTO trademark database record showing the particulars of the application is annexed as Exhibit "A" and made a part hereof.

5. Respondent is the record owner of the following trademark registration on the Principal Register of the USPTO:

MARK	GOODS	BASIS FOR REGISTRATION	REGISTRATION NO./ REGISTRATION DATE
WALL STREET	Shaving lotion and eau de cologne.	Use in Commerce since August 1939	0885997 February 10, 1970

6. Petitioner's application was refused registration on the basis of said Registration No. 0885997 on the ground that Petitioner's mark so resembles the mark shown in the said Registration as to be likely to cause confusion, or to cause mistake or

to deceive. As such, Petitioner will be damaged in that it will not be permitted to register its mark.

7. Respondent is not now using the mark WALL STREET as a trademark for shaving lotion and eau de cologne, and Respondent has discontinued bona fide use of the mark WALL STREET in the ordinary course of trade for the foregoing goods in Class 3 with no intent to resume such use thereof.

8. Respondent has abandoned the mark WALL STREET for shaving lotion and eau de cologne in Class 3.

9. Petitioner is or will be damaged by the continued registration of the mark shown in Registration No. 0885997 since, by virtue of such registration, doubts would be raised as to the exclusive rights of Petitioner to use its mark.

10. Petitioner is or will be damaged by the continued existence of Respondent's Registration No. 0885997 because Petitioner's ability to legally use and register its mark will be impaired by the continued registration of Respondent's mark.

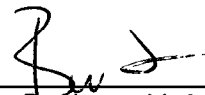
11. Based on the foregoing, the continued existence of Registration No. 0885997 on the records of the USPTO is causing or will cause damage to Petitioner.

WHEREFORE, Petitioner prays that the instant Petition for Cancellation be granted and that the Trademark Trial and Appeal Board cancel Registration No. 0885997.

Dated: August 26, 2004
New York, New York

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By: 
Barbara H. Loewenthal
Attorneys for Petitioner
270 Madison Avenue
New York, NY 10016-0601
(212) 684-3900

Enclosures:

1. Check in the amount of \$300.00
2. Prepaid, self-addressed postcard

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage prepaid envelope addressed to: Commissioner for Trademarks, BOX TTAB - FEE, 2900 Crystal Drive, Arlington, VA 22202-3514, on August 26, 2004

Dated: New York, New York
August 26, 2004

Jara Lee

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WALL STREET

Word Mark WALL STREET**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Fragrances for personal use, namely, perfumes, colognes, after bath splashes, body sprays, shower gels, soaps, body lotions, massage oils, candles, cosmetics, including skin care products, makeup, lipstick, foundation powders, eyeshadow, nail polish, mascara and eye pencils**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM**Serial Number** 76562995**Filing Date** December 3, 2003**Current Filing Basis** 1B**Original Filing Basis** 1B**Owner** (APPLICANT) LAURICE EL BADRY RAHME LTD. DBA LAURICE & CO. CORPORATION NEW YORK 9 Bond Street New York NEW YORK 10012**Attorney of Record** Barbara H. Loewenthal**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[TOP](#)[HELP](#)[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



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Typed Drawing

Word Mark	WALL STREET
Goods and Services	IC 003. US 051. G & S: SHAVING LOTION AND EAU DE COLOGNE. FIRST USE: 19390800. FIRST USE IN COMMERCE: 19390800
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72295214
Filing Date	April 9, 1968
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0885997
Registration Date	February 10, 1970
Owner	(REGISTRANT) BASCIANI, GEORGE J. INDIVIDUAL UNITED STATES 554 BROADWAY NEW YORK NEW YORK 10012 (LAST LISTED OWNER) DERRIA AG CORPORATION BY ASSIGNMENT, BY ASSIGNMENT LIECHTENSTEIN 40, HEILIGKREUZ VADUZ LIECHTENSTEIN
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JESS M COLLEN
Prior Registrations	0434422
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECTION 8(10-YR) 20000913.
Renewal	2ND RENEWAL 20000913
Live/Dead Indicator	LIVE
Cancellation Date	September 25. 1990

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